

By the Committee on Criminal Justice; and Senator Baker

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1 A bill to be entitled
 2 An act relating to juvenile justice; amending s.
 3 985.66, F.S.; eliminating the Juvenile Justice
 4 Standards and Training Commission; providing that the
 5 Department of Juvenile Justice rather than the
 6 commission is responsible for department program staff
 7 development and training; detailing the minimum
 8 qualifications for department program staff of the
 9 department and contract providers who deliver direct-
 10 care services to children; defining the term
 11 "department program staff"; amending s. 985.48, F.S.;
 12 conforming a provision to the termination of the
 13 Juvenile Justice Standards and Training Commission;
 14 providing an effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Section 985.66, Florida Statutes, is amended to
 19 read:

20 985.66 Juvenile justice training academies; staff
 21 development and training ~~Juvenile Justice Standards and Training~~
 22 ~~Commission~~; Juvenile Justice Training Trust Fund.—

23 (1) LEGISLATIVE PURPOSE.—In order to enable the state to
 24 provide a systematic approach to staff development and training
 25 for judges, state attorneys, public defenders, law enforcement
 26 officers, school district personnel, and department juvenile
 27 ~~justice~~ program staff that will meet the needs of such persons
 28 in their discharge of duties while at the same time meeting the
 29 requirements for the American Correction Association

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30 accreditation by the Commission on Accreditation for
31 Corrections, it is the purpose of the Legislature to require the
32 department to establish, maintain, and oversee the operation of
33 juvenile justice training academies in the state. The purpose of
34 the Legislature in establishing staff development and training
35 programs is to foster better staff morale and reduce
36 mistreatment and aggressive and abusive behavior in delinquency
37 programs; to positively impact the recidivism of children in the
38 juvenile justice system; and to afford greater protection of the
39 public through an improved level of services delivered by a
40 professionally trained department ~~juvenile justice~~ program staff
41 to children who are alleged to be or who have been found to be
42 delinquent.

43 (2) STAFF DEVELOPMENT AND TRAINING ~~JUVENILE JUSTICE~~
44 ~~STANDARDS AND TRAINING COMMISSION.~~-

45 ~~(a) There is created under the Department of Juvenile~~
46 ~~Justice the Juvenile Justice Standards and Training Commission,~~
47 ~~hereinafter referred to as the commission. The 17-member~~
48 ~~commission shall consist of the Attorney General or designee,~~
49 ~~the Commissioner of Education or designee, a member of the~~
50 ~~juvenile court judiciary to be appointed by the Chief Justice of~~
51 ~~the Supreme Court, and 14 members to be appointed by the~~
52 ~~Secretary of Juvenile Justice as follows:~~

53 ~~1. Seven members shall be juvenile justice professionals: a~~
54 ~~superintendent or a direct care staff member from an~~
55 ~~institution; a director from a contracted community-based~~
56 ~~program; a superintendent and a direct care staff member from a~~
57 ~~regional detention center or facility; a juvenile probation~~
58 ~~officer supervisor and a juvenile probation officer; and a~~

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59 ~~director of a day treatment or conditional release program. No~~
60 ~~fewer than three of these members shall be contract providers.~~

61 ~~2. Two members shall be representatives of local law~~
62 ~~enforcement agencies.~~

63 ~~3. One member shall be an educator from the state's~~
64 ~~university and community college program of criminology,~~
65 ~~criminal justice administration, social work, psychology,~~
66 ~~sociology, or other field of study pertinent to the training of~~
67 ~~juvenile justice program staff.~~

68 ~~4. One member shall be a member of the public.~~

69 ~~5. One member shall be a state attorney, or assistant state~~
70 ~~attorney, who has juvenile court experience.~~

71 ~~6. One member shall be a public defender, or assistant~~
72 ~~public defender, who has juvenile court experience.~~

73 ~~7. One member shall be a representative of the business~~
74 ~~community.~~

75
76 ~~All appointed members shall be appointed to serve terms of 2~~
77 ~~years.~~

78 ~~(b) The composition of the commission shall be broadly~~
79 ~~reflective of the public and shall include minorities and women.~~
80 ~~The term "minorities" as used in this paragraph means a member~~
81 ~~of a socially or economically disadvantaged group that includes~~
82 ~~blacks, Hispanics, and American Indians.~~

83 ~~(c) The Department of Juvenile Justice shall provide the~~
84 ~~commission with staff necessary to assist the commission in the~~
85 ~~performance of its duties.~~

86 ~~(d) The commission shall annually elect its chairperson and~~
87 ~~other officers. The commission shall hold at least four regular~~

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88 ~~meetings each year at the call of the chairperson or upon the~~
89 ~~written request of three members of the commission. A majority~~
90 ~~of the members of the commission constitutes a quorum. Members~~
91 ~~of the commission shall serve without compensation but are~~
92 ~~entitled to be reimbursed for per diem and travel expenses as~~
93 ~~provided by s. 112.061 and these expenses shall be paid from the~~
94 ~~Juvenile Justice Training Trust Fund.~~

95 ~~(e) The department powers, duties, and functions of the~~
96 ~~commission shall be to:~~

97 ~~(a)1.~~ Designate the location of the training academies;
98 develop, implement, maintain, and update the curriculum to be
99 used in the training of department juvenile justice program
100 staff; establish timeframes for participation in and completion
101 of training by department juvenile justice program staff;
102 develop, implement, maintain, and update job-related
103 examinations; develop, implement, and update the types and
104 frequencies of evaluations of the training academies; approve,
105 modify, or disapprove the budget for the training academies, and
106 the contractor to be selected to organize and operate the
107 training academies and to provide the training curriculum.

108 ~~(b)2.~~ Establish uniform minimum job-related training
109 courses and examinations for department juvenile justice program
110 staff.

111 ~~(c)3.~~ Consult and cooperate with the state or any political
112 subdivision; any private entity or contractor; and with private
113 and public universities, colleges, community colleges, and other
114 educational institutions concerning the development of juvenile
115 justice training and programs or courses of instruction,
116 including, but not limited to, education and training in the

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117 areas of juvenile justice.

118 (d)4. Enter into ~~With the approval of the department, make~~
119 ~~and enter into such~~ contracts and agreements with other
120 agencies, organizations, associations, corporations,
121 individuals, or federal agencies as ~~the commission determines~~
122 are necessary in the execution of the its powers of the
123 department or the performance of its duties.

124 ~~5. Make recommendations to the Department of Juvenile~~
125 ~~Justice concerning any matter within the purview of this~~
126 ~~section.~~

127 (3) JUVENILE JUSTICE TRAINING PROGRAM.—The department
128 ~~commission~~ shall establish a certifiable program for juvenile
129 justice training pursuant to this section, and all department
130 program staff ~~and providers~~ who deliver direct care services
131 ~~pursuant to contract with the department~~ shall be required to
132 participate in and successfully complete the department-approved
133 ~~commission-approved~~ program of training pertinent to their areas
134 of responsibility. Judges, state attorneys, and public
135 defenders, law enforcement officers, and school district
136 personnel may participate in such training program. For the
137 department juvenile justice program staff, the department
138 ~~commission~~ shall, based on a job-task analysis:

139 (a) Design, implement, maintain, evaluate, and revise a
140 basic training program, including a competency-based
141 examination, for the purpose of providing minimum employment
142 training qualifications for all department program staff
143 ~~juvenile justice personnel~~. All program staff of the department
144 and providers who deliver direct-care services who are hired
145 after October 1, 1999, must meet the following minimum

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146 requirements:

147 1. Be at least 19 years of age.

148 2. Be a high school graduate or its equivalent as
149 determined by the department ~~commission~~.

150 3. Not have been convicted of any felony or a misdemeanor
151 involving perjury or a false statement, or have received a
152 dishonorable discharge from any of the Armed Forces of the
153 United States. Any person who, after September 30, 1999, pleads
154 guilty or nolo contendere to or is found guilty of any felony or
155 a misdemeanor involving perjury or false statement is not
156 eligible for employment, notwithstanding suspension of sentence
157 or withholding of adjudication. Notwithstanding this
158 subparagraph, any person who pled nolo contendere to a
159 misdemeanor involving a false statement before October 1, 1999,
160 and who has had such record of that plea sealed or expunged is
161 not ineligible for employment for that reason.

162 4. Abide by all the provisions of s. 985.644(1) regarding
163 fingerprinting and background investigations and other screening
164 requirements for personnel.

165 5. Execute and submit to the department an affidavit-of-
166 application form, adopted by the department, attesting to his or
167 her compliance with subparagraphs 1.-4. The affidavit must be
168 executed under oath and constitutes an official statement under
169 s. 837.06. The affidavit must include conspicuous language that
170 the intentional false execution of the affidavit constitutes a
171 misdemeanor of the second degree. The employing agency shall
172 retain the affidavit.

173 (b) Design, implement, maintain, evaluate, and revise an
174 advanced training program, including a competency-based

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175 examination for each training course, which is intended to
176 enhance knowledge, skills, and abilities related to job
177 performance.

178 (c) Design, implement, maintain, evaluate, and revise a
179 career development training program, including a competency-
180 based examination for each training course. Career development
181 courses are intended to prepare personnel for promotion.

182 (d) The department ~~commission~~ is encouraged to design,
183 implement, maintain, evaluate, and revise juvenile justice
184 training courses, or to enter into contracts for such training
185 courses, that are intended to provide for the safety and well-
186 being of both citizens and juvenile offenders.

187 (4) JUVENILE JUSTICE TRAINING TRUST FUND.—

188 (a) There is created within the State Treasury a Juvenile
189 Justice Training Trust Fund to be used by the department ~~of~~
190 ~~Juvenile Justice~~ for the purpose of funding the development and
191 updating of a job-task analysis of department program staff
192 ~~juvenile justice personnel~~; the development, implementation, and
193 updating of job-related training courses and examinations; and
194 the cost of ~~commission-approved~~ juvenile justice training
195 ~~courses; and reimbursement for expenses as provided in s.~~
196 ~~112.061 for members of the commission and staff.~~

197 (b) One dollar from every noncriminal traffic infraction
198 collected pursuant to ss. 318.14(10)(b) and 318.18 shall be
199 deposited into the Juvenile Justice Training Trust Fund.

200 (c) In addition to the funds generated by paragraph (b),
201 the trust fund may receive funds from any other public or
202 private source.

203 (d) Funds that are not expended by the end of the budget

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204 cycle or through a supplemental budget approved by the
205 department shall revert to the trust fund.

206 (5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING ACADEMIES.—

207 The number, location, and establishment of juvenile justice
208 training academies shall be determined by the department
209 ~~commission~~.

210 (6) SCHOLARSHIPS AND STIPENDS.—

211 (a) By rule, the department ~~commission~~ shall establish
212 criteria to award scholarships or stipends to qualified
213 department program staff ~~juvenile justice personnel~~ who are
214 residents of the state who want to pursue a bachelor's or
215 associate in arts degree in juvenile justice or a related field.
216 The department shall handle the administration of the
217 scholarship or stipend. The Department of Education shall handle
218 the notes issued for the payment of the scholarships or
219 stipends. All scholarship and stipend awards shall be paid from
220 the Juvenile Justice Training Trust Fund upon vouchers approved
221 by the Department of Education and properly certified by the
222 Chief Financial Officer. Prior to the award of a scholarship or
223 stipend, the department program staff ~~juvenile justice employee~~
224 must agree in writing to practice her or his profession in
225 juvenile justice or a related field for 1 month for each month
226 of grant or to repay the full amount of the scholarship or
227 stipend together with interest at the rate of 5 percent per
228 annum over a period not to exceed 10 years. Repayment shall be
229 made payable to the state for deposit into the Juvenile Justice
230 Training Trust Fund.

231 (b) The department ~~commission~~ may establish the scholarship
232 program by rule ~~and implement the program on or after July 1,~~

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233 1996.

234 (7) ADOPTION OF RULES.—The department ~~commission~~ shall
235 adopt rules as necessary to administer ~~carry out the provisions~~
236 ~~of~~ this section.

237 (8) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK
238 MANAGEMENT TRUST FUND.—Pursuant to s. 284.30, the Division of
239 Risk Management of the Department of Financial Services is
240 authorized to insure a private agency, individual, or
241 corporation operating a state-owned training school under a
242 contract to carry out the purposes and responsibilities of any
243 program of the department. The coverage authorized herein shall
244 be under the same general terms and conditions as the department
245 is insured for its responsibilities under chapter 284.

246 (9) DEPARTMENT PROGRAM STAFF DEFINED.—As used in this
247 section, the term “department program staff” means supervisory
248 and direct care staff of a delinquency program as well as
249 support staff who have direct contact with children in a
250 delinquency program that is owned and operated by the department
251 ~~The Juvenile Justice Standards and Training Commission is~~
252 ~~terminated on June 30, 2001, and such termination shall be~~
253 ~~reviewed by the Legislature prior to that date.~~

254 Section 2. Subsection (8) of section 985.48, Florida
255 Statutes, is amended to read:

256 985.48 Juvenile sexual offender commitment programs; sexual
257 abuse intervention networks.—

258 (8) The department ~~Juvenile Justice Standards and Training~~
259 ~~Commission~~ shall establish criteria for training all contract
260 and department staff or provide a special training program for
261 contract and department staff to effectively manage and provide

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262 services and treatment to a juvenile sexual offender in a
263 juvenile sexual offender program.

264 Section 3. This act shall take effect July 1, 2010.